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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/976,322	11/21/1997	KIMMO DJUPSSJOBACKA	915-312	1733
4955	7590	11/03/2004	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 11/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Yr

<b>Office Action Summary</b>	Application No.	Applicant(s)
	08/976,322	DJUPSJOBACKA ET AL.
	Examiner	Art Unit
	Reuben M. Brown	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 June 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-10, 12, 14, 16-18, 20-22, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 3-10, 12, 14, 16-18, 20-22, 25 and 26 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Newly submitted claims 25-26, 3-10, 12, 14, 16-18 & 20-22 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Considering claim 25, the newly claimed feature of, "wherein a change of address of the service ID data occurs", represents a divergence in the subject matter from presently amended, independent claim 2. As separately argued by applicant on pages 10-11 of Remarks, these recited features clearly represent subject matter not found in the above independent claim. Likewise amended claim 10 recites, "if a change of address of the identification data occurs"; as does newly amended claims 12 & 14.

Considering claims 3-9, 16-18 & 20-22, the instant claims now directly or indirectly depend from claim 25, and are thus likewise treated.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 25-26, 3-10, 16-18 & 20-22 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Response to Arguments***

2. Applicant's arguments filed 6/24/2004 have been fully considered but they are not persuasive.

On page 12, applicant argues, "the combination of Terasawa and Eyer does not suggest a reasonable expectation of success, since neither of the references provide an adequate motivation for the combination". Examiner respectfully disagrees and points out that Terasawa clearly discusses that the system operates using the DVB technology, which at the time the invention was made, was known to support a naming (format) algorithm for naming services within a transport stream, as more explicitly discussed in APA, page 6, lines 1-9. Again examiner asserts that it would have been obvious to modify Terasawa with the format shown in APA, page 6 lines 1-9, for the advantage of a format similar to Internet data transmission system, as taught in APA, page 5, lines 31-38.

Furthermore, Eyer clearly teaches that the URL addressing algorithm, which reads on the claimed non-numerically descriptive worldwide globally individual identify in name information, is desirable for naming multiple services in a broadcast TV system, see col. 4, lines 45-58; col. 7, lines 59-67 thru col. 8, lines 1-12. Without question, Eyer discusses that the

invention is used in a broadcast system that transmits audio/video data, i.e., TV programming, thus examiner respectfully disagrees with applicant's assertion to the contrary.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa, (U.S. Pat # 6,147,714), in view of Admitted Prior Art, (APA, page 6, lines 1-10) and Eyer, (U.S. Pat # 5,982,445).

Considering claim 2, the amended claimed method for addressing at least one broadcast service in a data communication system including at least one data transmission network for transmitting information in at least one data transmission stream, such that one or more service providers transmits services to one or more data transmission networks, wherein the services are assigned service ID data is met by Terasawa, (col. 8, lines 40-50), which discusses a service ID that is provided as a label for a particular service within a transport stream.

The amended claimed service ID identifying an original transmission network, reads on the disclosed original network ID (original\_network\_id(2)), see col. 8, lines 32-33. Also Terasawa more generally discloses a parameter, the Service Provider Item, discussed in Terasawa, (Fig. 13). The Service Provider identifies the provider, i.e. the original network that provides the particular service, col. 7, lines 58-62.

The claimed broadcast service ID identifying a broadcast transmission stream from the broadcast service provider reads on Terasawa, (col. 8, lines 28-34), which discusses the broadcast transport stream ID. Terasawa (col. 8, lines 40-50) meets the claimed broadcast service ID identifying the service within the stream.

As for the amended claimed feature of the textual worldwide globally individual name of broadcast services, Terasawa teaches that identification data uniquely identifies the broadcast services within the network, using the DVB definitions, but does not explicitly discuss a worldwide identification algorithm (Fig. 4; Fig. 8; col. 7, lines 59-62). However Admitted Prior Art, page 6, lines 1-10 discloses that it is advantageous to represent the DVB definitions within the format of a URL. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Terasawa to use worldwide identification algorithm, as disclosed by Admitted Prior Art, page 6, lines 1-10, at least for the desirable benefit of uniquely identifying broadcast services across a worldwide network.

However, Terasawa & Admitted Prior Art, page 6, lines 1-10 utilizes a numerical identification format, instead of the claimed non-numeric textual worldwide global identification method. Nevertheless, Eyer discloses the benefits of using the well-known HTML format of a URL address for identifying additional TV programming services, see col. 3, lines 17-15 & col. 4, lines 40-50.

In particular, Eyer teaches the advantages of expanding the generic hypertext markup language, for instance such as a HTVP, which enables unique functions of a set top system that may be controlled using the Internet, being identified according to a URL, (col. 11, lines 35-67 & 12, lines 1-40), which reads on the claimed non-numerical worldwide global identification. Eyer also discloses enabling the subscriber to retrieve a variety of TV services, using the same format, col. 7, lines 10-15. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination Terasawa & Admitted Prior Art, page 6, lines 1-10 to use a textual worldwide identification algorithm, as disclosed by Eyer at least for the known benefit of a more user friendly technique, since consumers are more familiar with a textual identification format, which enables the user to identify TV services using the standard URL format, see col. 3, lines 19-55 & col. 4, lines 8-20.

As for the additionally claimed feature of the receiver device obtaining the relationship from the data transmission steam without accessing 'a separate data system', the SDT (Service Description Table, which includes the claimed transport stream ID, original network ID, and service ID, as discussed above) is transmitted as part of the EPG data. Since this information is a

part of the EPG data, the receiver obtains the relationship without accessing ‘a separate data system’, and meets the claimed feature.

Regarding claim 2, the claimed method for addressing at least one broadcast service among plural broadcast services or for addressing at least *one service component*, recites method steps that correspond with subject matter rejected above in the analysis of claim 2, and is likewise analyzed.

*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2611

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.*

*VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben. M. Brown whose telephone number is (703)305-2399. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Grant Christopher can be reached on (703)305-4755. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Reuben M. Brown

  
CHRIS GRANT  
PRIMARY EXAMINER